

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

RICHARD A. HUSBAND

CASE NUMBER: 1:22-cr-00590

UNDER SEAL

FILED
11/1F/2022
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about July 22, 2022, in Chicago, Illinois, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

Code Section

Title 21, United States Code, Section 841(a)(1)

Offense Description

did knowingly distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]propanamide), a Schedule II Controlled Substance, and heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1)

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

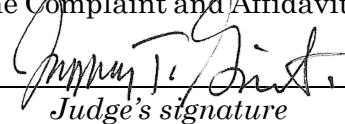
Daniel Alaimo

DANIEL ALAIMO

Officer, U.S. Department of Veterans Affairs

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: November 11, 2022


Judge's signature

City and state: Chicago, Illinois

JEFFREY T. GILBERT, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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AFFIDAVIT

I, DANIEL ALAIMO, being duly sworn, state as follows:

1. I am an officer with the U.S. Department of Veterans Affairs and have been so employed for approximately five years. My current responsibilities include the investigation of narcotics trafficking offenses. Prior to working as an officer with the VA, I was employed for approximately eleven years with the Village of Addison Police. While services as an officer with the Addison Police Department, I was assigned to the DuPage Metropolitan Enforcement Group (DUMEG) for approximately four years, where my duties include the investigation of felony narcotics offenses and the investigation of assets held by narcotics dealers. Prior to working at the Village of Addison Police Department, I was employed as a Deputy United States Marshal for the Southern District of Arizona. In total, I have participated in over 900 narcotics investigations.

2. As such, I am familiar with methods used by narcotics traffickers to transport, store, and distribute narcotics and narcotics proceeds. I have participated in investigations involving various drug types, including heroin, cocaine, and cocaine base in the form of crack cocaine. I have experience with a range of investigative techniques, including visual and electronic surveillance; the interception of wire communications; the debriefing of witnesses, informants, and others who have

knowledge of the distribution and transportation of controlled substances; the execution of search and arrest warrants; and the management and use of informants.

3. This affidavit is submitted in support of a criminal complaint alleging that RICHARD A. HUSBAND has violated Title 21, United States Code, Section 841(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging HUSBAND with distribution of a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of fentanyl and heroin, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. This affidavit is based on the following: (a) information provided to me by other law enforcement officers, including my review of reports made by other law enforcement officers; (b) my review of video and audio recordings of the transaction described in this criminal complaint; (c) my review of laboratory analysis and toxicology reports; (d) interviews with witnesses and HUSBAND; and (e) my training and experience, as well as the training and experience of other law enforcement officers with whom I have consulted.

FACTS ESTABLISHING PROBABLE CAUSE

Summary

5. As described further below, on or about July 22, 2022, HUSBAND distributed a quantity of fentanyl-laced heroin to Individual A in the presence of

Individual B at the Jesse Brown Veterans Administration Medical Center in Chicago, Illinois (the “VA Medical Center”). Following the distribution, Individual A overdosed in his home and died. Law enforcement officials recovered white and pink-tinted baggies from Individual A’s home and the pink-tinted baggie contained a substance that later tested positive for the presence of fentanyl and heroin. A toxicology report for Individual A confirmed that he had both fentanyl and heroin in his system when he died. Law enforcement officials later interviewed HUSBAND, who confirmed that he distributed heroin to Individual A on July 22, 2022.

**CCTV Footage Reflects Distribution of Narcotics by HUSBAND
to Individuals A and C on or about July 22, 2022**

6. Based on my review of CCTV footage from the lobby of the VA Medical Center, on or about July 22, 2022, at approximately 9:53 a.m.:

a. HUSBAND,¹ wearing a blue t-shirt, a blue surgical mask, and a blue cap and seated in a motorized wheelchair, was next to Individual A, who was also seated in a wheelchair, and Individual B, who was pushing Individual A. Individual C, another individual, was seated across from HUSBAND on a bench.

¹ Law enforcement officials identified HUSBAND as follows: first, as discussed below, on or about July 27, 2022, law enforcement officials conducted a video and audio recorded interview of HUSBAND at the VA Medical Center. Before the interview, HUSBAND identified himself as “Richard Husband” and initialed an advice of rights form “RH [Richard Husband].” Second, law enforcement officials reviewed the CCTV video footage from July 22, 2022, and determined that the individual whom they interviewed on July 27, 2022 (HUSBAND) was the same person depicted on the CCTV footage from July 22, 2022 distributing narcotics to Individuals A and C. Third, as discussed below, law enforcement officials interviewed Individuals B, E, and F who identified HUSBAND as the person who distributed narcotics to Individuals A and C on July 22, 2022.

b. HUSBAND reached into a bag and sorted through the bag as Individual C counted the cash in his hand. Individual C approached HUSBAND, looked around the area, and then reached over to take an item or items from HUSBAND. A screenshot of the video depicting Individual C retrieving an item or items from HUSBAND is included below.



c. Individual C quickly put the item or items into his pocket, counted his money, and then walked away. The CCTV footage did not reflect Individual C providing cash to HUSBAND.

d. Based on my training and experience and knowledge of the investigation, including the CCTV footage, I believe that on or about July 22, 2022, HUSBAND distributed a controlled substance to Individual C.

e. After the distribution to Individual C, HUSBAND turned his wheelchair towards Individual A and Individual B. Individual A and Individual B's backs were to the CCTV and blocked parts of HUSBAND's body. HUSBAND can be seen reaching his hand around the area of his wheelchair. After a short time, Individual A had a clear plastic bag in his hands, which he quickly put into the back pocket of his pants. A screenshot of Individual A holding the clear plastic bag in his right hand is included below.



f. Based on my training and experience and knowledge of the investigation, including the CCTV footage and, as discussed below, the information provided by Individuals B, E, and F, I believe that on July 22, 2022, HUSBAND distributed fentanyl-laced heroin to Individual A.

Individual D Overdoses on July 22, 2022 After a Distribution by HUSBAND, and Law Enforcement Officials Administer Life-Saving Medical Assistance

7. On or about July 22, 2022, at approximately 10:50 a.m., a law enforcement official on patrol in the area of the VA Medical Center observed a male (Individual D) in medical distress near the bus stop. That law enforcement official notified Dispatch who contacted your affiant.

8. Soon after, your affiant arrived at the bus stop and observed Individual D, who was lethargic and non-responsive. I administered a first dose of Narcan² and performed chest rubs. Individual D continued to be non-responsive, so your affiant administered a second and third dose of Narcan.

9. At approximately 11:15 a.m., Chicago firefighters and an ambulance arrived on the scene and took Individual D to a hospital for treatment.

10. On or about July 30, 2022, law enforcement officials spoke with Individual D at the VA Medical Center. The interview was not recorded. Law enforcement officials read Individual D his *Miranda* rights and Individual D signed a written waiver of his *Miranda* rights. During the ensuing interview, Individual D provided the following information:

a. Individual D said that he purchased two dime bags³ of heroin from HUSBAND on July 22, 2022 for \$20.

² Based on my training and experience, I know that Narcan is a version of naloxone, which is a prescription medicine used for the treatment of a known or suspected opioid overdose emergency with signs of breathing problems and severe sleepiness or not being able to respond. Narcan is administered as a nasal spray.

³ Based on my training and experience, I understand that a “dime bag” is a bag of narcotics that costs \$10 and contains one user quantity or “hit” of narcotics.

b. Law enforcement officials discussed how, on July 22, 2022, Individual D overdosed from ingesting heroin that same day and how your affiant administered three doses of Narcan to Individual D and called him an ambulance. Individual D thanked your affiant for saving his life.

Interviews with Individuals B, E, and F

11. On or about July 26, 2022, law enforcement officials spoke with Individual B at the VA Medical Center. The interview was not recorded. During the interview, Individual B provided the following information:

a. On July 22, 2022, at approximately 10:30 a.m.,⁴ he met with Individual A at the front of the VA Medical Center. Individual A told Individual B that Individual A was waiting for HUSBAND to meet with him.

b. After that conversation, Individual A went to an ATM and withdrew approximately \$60 in cash.

c. HUSBAND and Individual A went off to the side of the room and HUSBAND gave Individual A five bags of gray heroin in clear, pink, and yellow baggies.

⁴ As discussed above, the timestamp on the CCTV footage reflected HUSBAND meeting with Individual A and B at approximately 9:53 a.m.

d. After HUSBAND distributed narcotics to Individual A, Individual A, and Individual B went to the blue clinic bathroom⁵ and Individual A cut the baggies that HUSBAND had distributed with some other substance.⁶

12. On or about July 26, 2022, law enforcement officials spoke with Individual E at the VA Medical Center. The interview was not recorded. According to Individual E:

a. Over the past month, on multiple occasions, he had observed HUSBAND distributing narcotics to individuals whom Individual E knew to be veterans and employees at the VA Medical Center.

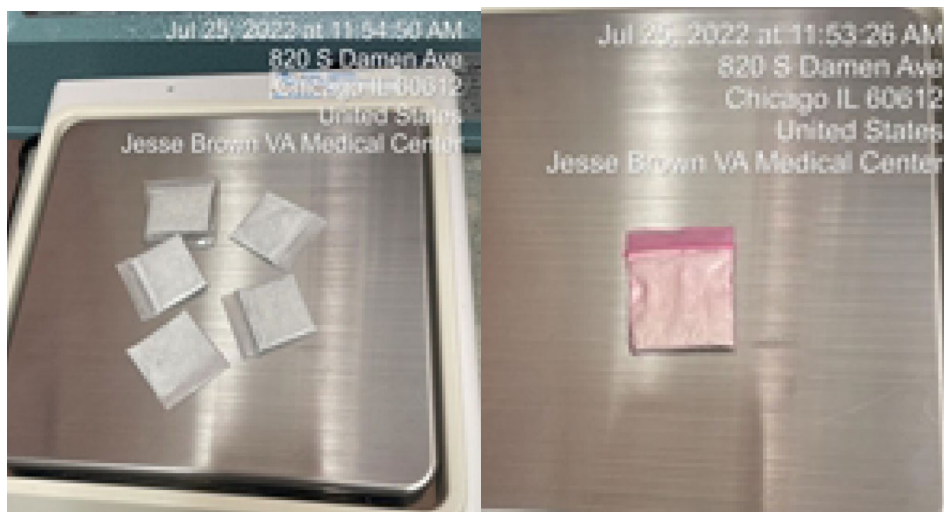
b. The narcotics that HUSBAND distributed to veterans and employees at the VA Medical Center were nicknamed “gray death,” because of the strength of the narcotics and the number of overdoses that had occurred among users of the narcotics.

13. On or about July 26, 2022, another individual (Individual F), met with law enforcement officials at the VA Medical Center and identified herself as the daughter of Individual A. The ensuing interview was not recorded. During the interview, Individual F said that on July 22, 2022, she and another family member found Individual A dead in his home and that in the area of Individual A, she found several baggies.

⁵ Based on my training and experience, I understand that the blue clinic bathroom is a bathroom within the VA Medical Center.

⁶ Based on my review of CCTV footage from the VA Medical Center, Individual A and Individual B did not go to the blue clinic bathroom after the distribution by HUSBAND, but instead left the VA Medical Center property.

14. Individual F provided your affiant with approximately five clear baggies and one pink-colored baggie, each containing a white powdery substance. The baggies are depicted below.



Laboratory and Toxicology Reports Reflect Fentanyl-Laced Heroin

15. According to laboratory results from the DEA North Central Laboratory, the white baggies contained a powder consisting of diphenhydramine and niacinamide and the pink baggie contained approximately .691 grams of powder consisting of heroin, fentanyl, diphenhydramine, and xylazine.⁷

16. According to a toxicology report written after a pathology analysis of Individual A produced by NMS Labs on or about September 20, 2022:

⁷ Based on my training and experience, I understand that Xylazine is a non-opioid veterinary tranquilizer, which is not approved for human use, but is commonly found in mixtures of controlled substances with fentanyl. Xylazine is commonly known as “tranc” (for tranquilizer) and has been linked to a number of overdose deaths nationwide.

a. Testing revealed multiple controlled substances, among other substances, found in Individual A's system. The controlled substances included 6-Monoacetylmorphine (or 6-MAM),⁸ fentanyl, and acetyl fentanyl.

b. The coroner's opinion was that Individual A died of fentanyl, heroin, and diphenhydramine toxicity.

HUSBAND Distributes Yellow and Pink Baggies Containing Suspected Narcotics to Individual G on or about July 2, 2022

17. On or about July 2, 2022, law enforcement officials observed HUSBAND meet with Individual G at a bus stop near the VA Medical Center. Law enforcement officials observed what appeared to be, in their training and experience, a hand-to-hand exchange of narcotics for cash.

18. Law enforcement officials continued surveillance of Individual G and followed him as he entered the VA Medical Center. Law enforcement officials approached Individual G for a consensual encounter and read him his *Miranda* rights, which he orally waived. During the course of the ensuing interview:

a. Law enforcement officials said that they believed they observed Individual G engage in a narcotics transaction approximately ten minutes earlier. Individual G reached into his front right pants pocket and handed law enforcement officials a cigarette box, which he said contained narcotics.

b. Law enforcement officials opened the box and retrieved a plastic bag, which contained eleven yellow baggies and two pink baggies, each of which

⁸ According to the toxicology report, 6-MAM is the 6-monoacetylated form of morphine, which is generally indicative of heroin use.

contained a white powder. Law enforcement officials also recovered an additional pink baggie from Individual G's pants pocket.

c. Individual G said that the baggies contained heroin. Individual G said that he purchased the heroin for \$100 from a man in a wheelchair.⁹ Individual G signed a written statement regarding the distribution.

19. Photographs of the yellow and pink baggies are included below.



20. On or about August 17, 2022, law enforcement officials approached Individual G at the VA Medical Center. Law enforcement officials again read Individual G his *Miranda* rights, which he orally waived. Law enforcement officials showed Individual G a photograph of HUSBAND and Individual G identified HUSBAND as the person who distributed the heroin to him on July 2, 2022. Individual G later signed a written statement regarding the distribution.

21. The baggies have been submitted to the DEA Laboratory for analysis.

⁹ At this point, law enforcement officials had not identified HUSBAND and did not show Individual F a photograph of HUSBAND. As discussed above, HUSBAND utilizes a wheelchair.

Interview with HUSBAND

22. On or about July 27, 2022, your affiant conducted both an unrecorded and video and audio recorded interview with HUSBAND. Before the initial unrecorded interview, HUSBAND identified himself by name, initialed *Miranda* waiver, and checked “Yes” that he understood each of the rights and wished to answer questions. During the interviews, HUSBAND provided the following information:

a. HUSBAND stated that on July 22, 2022, he met with another veteran at the entrance of the VA Medical Center near the credit union ATM. HUSBAND identified Individual A as the individual with whom he met that day. HUSBAND said that he and Individual A had made arrangements in advance to meet that day so that HUSBAND could sell Individual A heroin.

b. HUSBAND said that, during the meeting on July 22, 2022, he agreed to distribute 10 bags of heroin to Individual A in exchange for \$100. Individual A did not have \$100, so Individual A provided HUSBAND with \$60, and HUSBAND distributed 4 or 5 bags of heroin. HUSBAND said that the type of heroin he distributed to Individual A was “silver time.”¹⁰

c. HUSBAND said that he distributed the heroin to Individual A because Individual A was an addict and HUSBAND was trying to help Individual A. HUSBAND said that he had distributed heroin to Individual A on multiple occasions

¹⁰ Based on my training and experience, I know that drug traffickers market their narcotics and often give narcotics brand names to increase demand. Narcotics traffickers often cut their narcotics with certain dilutants and additives to give drug users different types of euphoric sensations based on the different chemical combinations and then brand their narcotics accordingly.

in recent months.¹¹ HUSBAND said that the bags he had previously distributed to Individual A were clear.

CONCLUSION

23. Based on the above information, there is probable cause to believe that, on or about July 22, 2022, at Chicago, in the Northern District of Illinois, Eastern Division, RICHARD A. HUSBAND knowingly and intentionally distributed a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), a Schedule II Controlled Substance, and a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

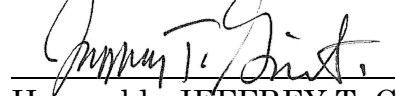
FURTHER AFFIANT SAYETH NOT.

Daniel Alaimo

DANIEL ALAIMO

Officer, U.S. Department of Veterans Affairs

SWORN TO AND AFFIRMED by telephone November 11, 2022.



Honorable JEFFREY T. GILBERT
United States Magistrate Judge

¹¹ HUSBAND provided conflicting information in the unrecorded and recorded interviews regarding his prior distributions to Individual A. In the unrecorded interview, HUSBAND said that he distributed heroin to Individual A approximately five or six times in the previous five or six months. In the recorded interview, HUSBAND said that he distributed heroin to Individual A two or three times in the previous two or three months.